



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**Amended License for Diversion and Use of Water**

APPLICATION 17182

PERMIT 10903

LICENSE 7070

Page 1 of 3

**THIS IS TO CERTIFY, That** Edward C. Allred  
3050 Airport Way  
Long Beach, CA 90806

Has the right to use waters of in **Salinas River (underflow)** tributary to **Pacific Ocean**  
for the following purpose: **Irrigation use.**

Amended License 7070 supersedes the license originally issued on **January 14, 1965**, which was perfected in accordance with the laws of California, the regulations of the State Water Resources Control Board (SWRCB) or its predecessor, and the terms of **Permit 10903**. The priority of this right dates from **July 18, 1956**. Proof of maximum beneficial use of water pursuant to **Application 17182** was made as of **July 16, 1963**.

The amount of water that may be used under this license is limited to the amount actually beneficially used for the stated purposes and shall not exceed **five-tenths (0.5) cubic feet per second (cfs)** to be diverted from about **April 1** to about **November 15** of each year.

The maximum amount diverted under this license shall not exceed **120 acre-feet per year**.

The equivalent of such continuous flow accordance for any thirty day period may be diverted in a shorter time if there be no interference with other vested rights.

Unless a change is approved by the SWRCB, water used under this license may be diverted, rediverted, stored and used only as specified below:

**THE POINT OF DIVERSION IS LOCATED:**

By California Coordinates of 1927, Zone 5, North 740,400 feet and East 1,208,400 feet, being within NE¼ of SE¼ of section 10, T28S, R12E, MDB&M.

**A DESCRIPTION OF THE LANDS OR THE PLACE WHERE WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:**

2.0 acres within NE¼ of NE¼ of projected section 10, T28S, R12E, MDB&M,  
10.0 acres within SE¼ of NE¼ of projected section 10, T28S, R12E, MDB&M,  
2.0 acres within NE¼ of SE¼ of projected section 10, T28S, R12E, MDB&M,  
1.0 acre within NW¼ of NW¼ of projected section 11, T28S, R12E, MDB&M,  
35.0 acres within SW¼ of NW¼ of projected section 11, T28S, R12E, MDB&M,  
40.0 acres within NW¼ of SW¼ of projected section 11, T28S, R12E, MDB&M,  
19.0 acres within NE¼ of SW¼ of projected section 11, T28S, R12E, MDB&M,  
35.0 acres within SW¼ of SW¼ of projected section 11, T28S, R12E, MDB&M,  
32.0 acres within SE¼ of SW¼ of projected section 11, T28S, R12E, MDB&M,  
12.0 acres within SW¼ of SE¼ of projected section 11, T28S, R12E, MDB&M,  
13.0 acres within NW¼ of NE¼ of projected section 14, T28S, R12E, MDB&M,  
12.0 acres within NE¼ of NW¼ of projected section 14, T28S, R12E, MDB&M  
213.0 ACRES TOTAL as shown on map dated November 6, 1996 on file with the  
SWRCB as shown on map dated July 1, 2001 on file with the SWRCB.

No water shall be diverted under this license until the licensee has installed an in-line flow meter, acceptable to the Chief, Division of Water Rights, capable of measuring the instantaneous rate and cumulative amount diverted under this license. Licensee shall maintain a record of the end-of-the-month meter readings and the days of actual diversion, and shall submit these monthly records with the triennial report of licensee, or whenever, requested by the Division of Water Rights. Said measuring device shall be properly maintained

*Licensee shall allow representatives of the SWRCB and other parties, as may be authorized from time to time by the SWRCB, reasonable access to project works to determine compliance with the terms of this license.*

*The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.*

*Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.*

*The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.*

*The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.*

*This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.*

*Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the SWRCB.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the SWRCB.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

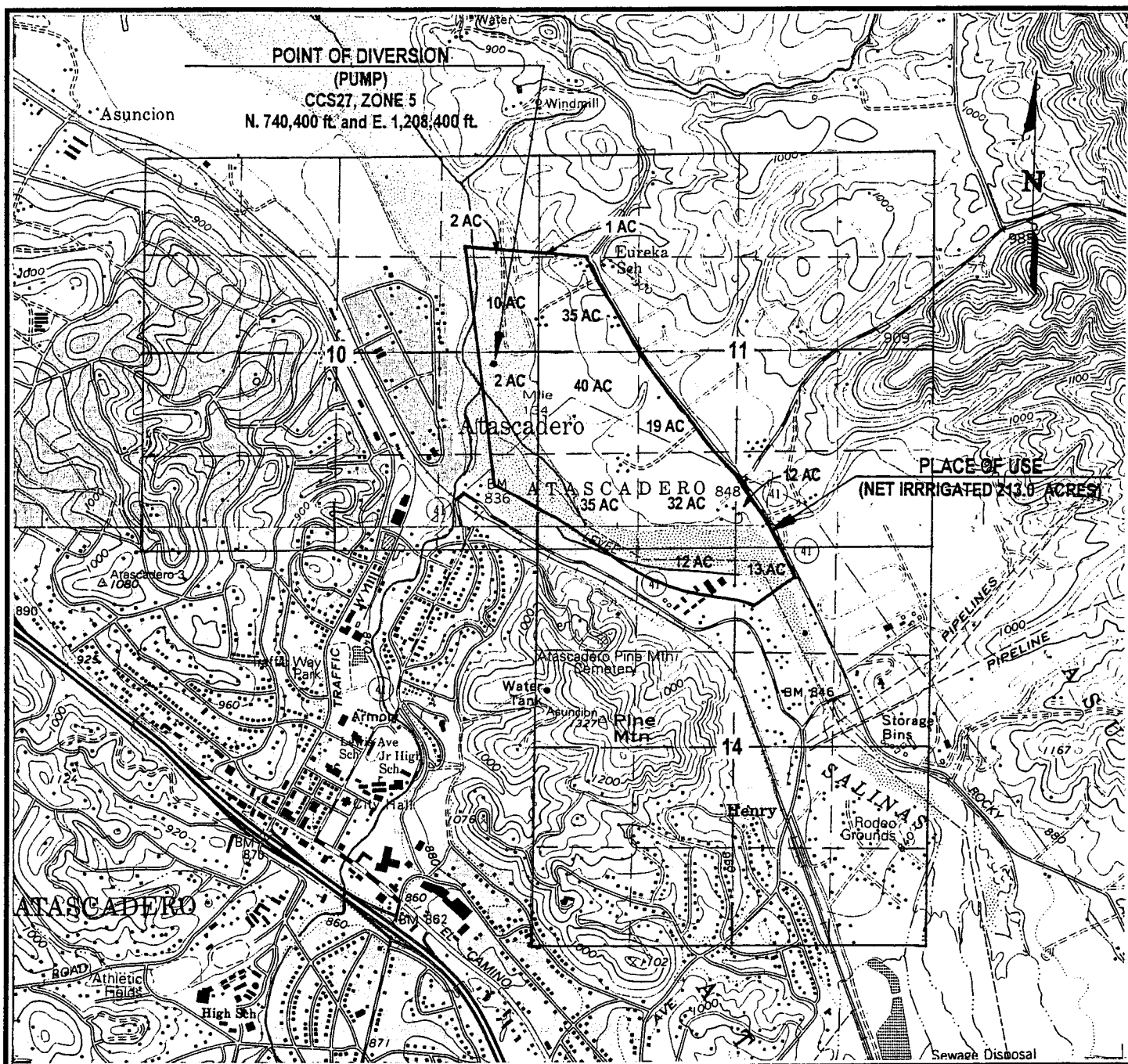
Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated:

AUG 20 2001

STATE WATER RESOURCES CONTROL BOARD

*David R. Bunker*  
for Chief, Division of Water Rights



LICENSEE EDWARD ALLRED

PERMIT NO. 10903

SOURCE SALINAS RIVER

APPLICATION NO. 17182

POINT OF DIVERSION

WITHIN NE 1/4 SE 1/4 OF PROJECTED

SECTION 10 T 28S, R 12E, MDB&M

COUNTY OF SAN LUIS OBISPO

TEMPLETON PR 1979 1:24,000  
U.S.G.S. SQUAD DATE SCALE

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

LICENSE  
7070

DATE: 7/01

DRAWN: CWW

CHECKED:

.2 7070

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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In the Matter of License 7070 (Application 17182)

**Edward Allred**

ORDER APPROVING CHANGE IN POINT OF DIVERSION  
AND PLACE OF USE AND AMENDING THE LICENSE

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SOURCE: Salinas River Underflow

COUNTY: San Luis Obispo

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**WHEREAS:**

1. License 7070 was issued to Earl Sherwood on January 14, 1965, pursuant to Application 17182. License was recorded with the County Recorder of San Luis Obispo on January 15, 1965.
2. License 7070 was subsequently assigned to Edward C. Allred on April 23, 1968.
3. A petition to change point of diversion and place of use was filed with the State Water Resources Control Board (SWRCB) on October 25, 1996 and the SWRCB has determined that good cause for such change has been shown. Public notice of the change was issued on January 16, 1997. A protest was received from the Atascadero Mutual Water Company dated February 18, 1997. The protestant failed to present specific facts to substantiate their allegation against the project and the protest was not accepted.
4. Because an expansion of the POU is involved, conditions should be placed in the license to insure that the quantity diverted and used does not exceed the amount of the original water right.
5. The SWRCB has determined that with a condition that limits the total amount of water diverted under this right and a condition requiring measurement of the quantity of water diverted, the petition for change in the point of diversion and place of use does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. The license term relating to the continuing authority of the SWRCB should be updated to conform to section 780(a), title 23 of the California Code of Regulations.

7. The license term relating to the water quality objectives of the SWRCB should be updated to conform to section 780(b), title 23 of the California Code of Regulations.
8. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the license making the licensee aware of possible obligations resulting from these acts.

**NOW, THEREFORE, IT IS ORDERED THAT LICENSE 7070 IS AMENDED TO READ AS FOLLOWS:**

1. The condition of the license regarding the point of diversion be amended to read:  
  
By California Coordinate System of 1927, Zone 5, N740, 400 and E 1, 208,400 being within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected section 10, T28S, R12E, MDB&M.
2. A condition designating the amount of maximum annual use be added as follows:  
  
The maximum annual amount diverted under this license shall not exceed 120 acre-feet.
3. The condition of the license regarding the place of use be amended to read:  
  
2.0 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected section 10, T28S, R12E, MDB&M  
10.0 acres within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected section 10, T28S, R12E, MDB&M  
2.0 acres within NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected section 10, T28S, R12E, MDB&M  
1.0 acres within NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected section 11, T28S, R12E, MDB&M  
35.0 acres within SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected section 11, T28S, R12E, MDB&M  
40.0 acres within NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected section 11, T28S, R12E, MDB&M  
19.0 acres within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected section 11, T28S, R12E, MDB&M  
35.0 acres within SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected section 11, T28S, R12E, MDB&M  
32.0 acres within SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of projected section 11, T28S, R12E, MDB&M  
12.0 acres within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected section 11, T28S, R12E, MDB&M  
13.0 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected section 14, T28S, R12E, MDB&M  
12.0 acres within NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of projected section 14, T28S, R12E, MDB&M  
213 acres total
4. No water shall be diverted under this license until the licensee has installed an in-line flow meter, acceptable to the Chief, Division of Water Rights, capable of measuring the instantaneous rate and cumulative amount diverted under this license. Licensee shall maintain a record of the end-of-the-month meter readings and the days of actual diversion, and shall submit these monthly records with the triennial report of licensee, or whenever, requested by the Division of Water Rights. Said measuring device shall be properly maintained.

5. The continuing authority condition, shall be updated to read as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include, but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

6. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

7. License 7070 is amended to include the following Endangered Species condition:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

(0000014)

8. All other terms and conditions of License 7070 are still applicable.

Dated: AUG 20 2001

STATE WATER RESOURCES CONTROL BOARD

*for David R. Bunting*  
Chief, Division of Water Rights



STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

Application 17182 Permit 10903 License 7070

**ORDER RESCINDING REVOCATION ORDER  
OF DECEMBER 12, 1995  
AND REINSTATING LICENSE**

**WHEREAS:**

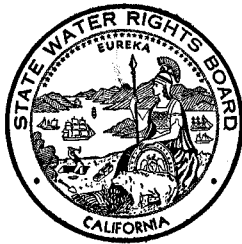
1. License 7070 was issued to Earl Sherwood on January 14, 1965 pursuant to Application 10903 and was filed with the San Luis Obispo County Recorder on January 15, 1965.
2. License 7070 was subsequently assigned to Edward Allred.
3. A request for revocation was initiated by the licensee's Ranch Manager and signed by the licensee on March 30, 1995. On April 6, 1995 the request for revocation of License 7070 was received by the State Water Resources Control Board (SWRCB).
4. On December 12, 1995, the SWRCB issued an Order revoking License 7070.
5. On March 7, 1996 a letter was received from the licensee's representative which provided a creditable explanation of how and why a signed "Revocation Request" was inadvertently mailed to the SWRCB. The SWRCB staff evaluated the licensee's explanation and concluded that sufficient cause existed for reinstatement of License 7070.
6. The San Luis Obispo County Recorder should be notified of the rescinding action.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The SWRCB hereby rescinds the December 12, 1995 revocation order issued pursuant to License 7070.
2. License 7070, as revoked by the December 12, 1995 order, is hereby reinstated.
3. The San Luis Obispo County Recorder shall be notified of the rescinding action.

Dated: **DECEMBER 03 1996**

  
Edward C. Anton, Chief  
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 17182

PERMIT 10903

LICENSE 7070

THIS IS TO CERTIFY, That

Earl Sherwood  
Route 1, Box 73  
Templeton, California

Notice of Change (Over)

has made proof as of July 16, 1963,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
Salinas River (underflow) in San Luis Obispo County

tributary to Pacific Ocean

for the purpose of irrigation use  
under Permit 10903 of the State Water Rights Board and that said right to the use of said water has been  
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the  
terms of the said permit; that the priority of the right herein confirmed dates from July 18, 1956,  
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited  
to the amount actually beneficially used for said purposes and shall not exceed five-tenths (0.5) cubic  
foot per second to be diverted from about April 1 to about November 15 of each  
year.

The equivalent of such continuous flow allowance for any thirty-day period may be  
diverted in a shorter time if there be no interference with other vested rights.

The point of diversion of such water is located:

South two thousand four hundred (2400) feet and east one thousand six hundred  
(1600) feet from NE corner of projected Section 10, T28S, R12E, MDB&M, being  
within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 10.

A description of the lands or the place where such water is put to beneficial use is as follows:

6 acres within SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 10, T28S, R12E, MDB&M.  
20 acres within SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of projected Section 10, T28S, R12E, MDB&M.  
4 acres within NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of projected Section 10, T28S, R12E, MDB&M.  
30 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water  
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the  
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of  
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time  
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein  
specified and to the lands or place of use herein described.

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

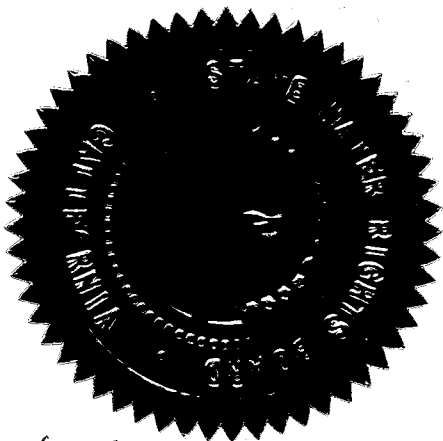
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JAN 14 1965



*L. K. Hill*  
L. K. Hill  
Executive Officer

*4/23/68* RECEIVED NOTICE OF ASSIGNMENT TO *Dr. Edward Allred*

LICENSE 7070  
STATE OF CALIFORNIA  
STATE WATER RIGHTS BOARD

LICENSE  
TO APPROPRIATE WATER

ISSUED TO Earl Sherwood

JAN 14 1965

DATED

47609 8-61 3M ① SPO

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JAN 24 1965